

REMARKS

By this amendment, claims 3, 4 and 5 have been amended, and claim 2 has been cancelled. The allowability of claim 12 is noted.

Claims 1 and 3-6 stand rejected under 35 USC §103(a) over Moore in view of Conlin *et al.* The Examiner recognizes that Moore teaches batteries positioned within the tubular body as opposed to externally, but argues that it would be obvious to position the batteries outside the housing in view of Conlin *et al.* “for the benefits of cost effective maintenance and replacement.” (OA, top of p. 4) Applicant respectfully disagrees.

First, it is the stated goal of Moore is to be self-contained. Even the title, “SELF CONTAINED SOLAR POWERED STROBE LIGHT” makes this evident. To position the power source outside the housing would defeat self-containment, thereby undermining *prima facie* obviousness. If proposed modification would render the prior art invention being modified unsatisfactory for its intended purpose, then there is no suggestion or motivation to make the proposed modification. *In re Gordon*, 733 F.2d 900, 221 USPQ 1125 (Fed. Cir. 1984)

The Examiner’s argument of cost effective maintenance is also unavailing, as it is the goal of Moore to produce an assembly “which has a long, maintenance free life.” (‘307 patent, 3:24-26) Further, placement of the batteries of Moore outside the housing is not a mere rearrangement of parts if the primary reference teaches away from the repositioning.

Claims 7, 8, 10 and 11 stand rejected under 35 USC §103(a) over Moore in view of Conlin *et al.* and further in view of Lyons. In addition to the arguments above with respect to claims 1 and 3-6, Applicant argues that it would not be obvious to provide Moore with messaging capabilities of any kind as the sole intent it to provide a strobe light for low flying aircraft. Apart from the added complexity, it is apparent from the disclosure of Moore that a message could not be read and even attempting to provide one could prove dangerous. Again, the prior art teaches away from such a combination.

With regard to claim 9, again given that the stated goal of Moore is to provide a strobe light, it already has a “high attention value” without one or more light dispersing windows which would be superfluous.

Finally, with regard to claim 13, clearly the Examiner's primary reference—Moore—has no need for alarming presence of an intruder. Again, Moore is concerned with warning low-flying aircraft.

Questions may be directed to Applicant's below-signed representative at the telephone and/or facsimile numbers provided below.

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Respectfully submitted,

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